

REPORT OF THE COMMITTEE ON REVISION OF THE
BY-LAWS OF THE TOWN OF SOUTHBOROUGH

The accompanying copy of the Proposed By-Laws of the Town of Southborough is the report of the By-Law Committee. It is respectfully urged that each voter study carefully these proposed By-Laws and bring the copy to Town Meeting for reference.

The present By-Laws were adopted in 1914. Since that time so many changes have occurred in Massachusetts' Statutes that it has become necessary to almost entirely revise our present By-Laws, many of which are now incompatible with intervening statutory enactments as applied to municipal affairs. These proposed changes have been submitted to competent authorities on Municipal Law, as well as to the Attorney General's office from which we have an unofficial sanction to them.

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BY-LAWS OF THE TOWN OF SOUTHBOROUGH

ARTICLE I

Town Meetings

Section 1 - The annual town meeting for the transaction of business, except the election of town officers and the voting upon questions as required by general or special law shall be held on the second Monday of March at seven o'clock in the afternoon. The election of town officers and the voting on questions as required by general or special law shall be held on the third Monday of March. The polls shall be opened from six o'clock in the forenoon to four o'clock in the afternoon.

Section 2 - Notice of every town meeting shall be given by posting attested copies of the warrant therefor at the Town Hall, the Fayville Hall, all the railroad stations in the town, the Post Offices in Southborough, Fayville, Cordaville and Southville seven days at least before the time appointed for such meeting.

Section 3 - The town clerk shall, as soon as may be, after the adjournment of any town meeting, post notices of such adjournment in the several places named in the preceding section. The said notice shall state the time to which the meeting stands adjourned, and shall contain a concise statement of the matters remaining to be considered and acted upon.

Section 4 - Whenever an article is inserted in a warrant upon the request of any person or persons, other than a town officer, the selectmen shall cause the name or names of such persons to appear in connection with such article, by adding the following: "Proposed by" and the name or names of such persons. If the number of persons requesting the insertion of an article in a warrant exceeds ten, the selectmen may omit all the names of such persons except the name of the first person who has signed the request or petition, and in such case they shall add after such name "and others", giving the number of the signers. If an article is inserted at the request of a town officer or board, the selectmen shall indicate that such article was proposed by such officer or board by adding the words "Proposed by" and then stating the official title of such officer or board.

Section 5 - The Board of Selectmen shall as soon as may be after issuing a warrant for a town meeting transmit a copy thereof to the Secretary of the Advisory Committee.

ARTICLE II

Procedure at Town Meetings

Section 1 - At the time appointed for a town meeting, the town clerk shall call the meeting to order and read the warrant therefor, and no further business shall be transacted until a moderator is chosen.

Section 2 - Unless otherwise ordered by the moderator or by vote of the meeting, no person whose name is not on the list of registered voters shall be admitted to the hall where the meeting is being held; this provision shall be enforced by the use of the check list.

Section 3 - The moderator, while occupying the chair, shall not participate in any discussion before the meeting.

Section 4 - Articles in the warrant shall be acted upon in the order in which they appear in the warrant unless otherwise ordered by a vote of the meeting.

Section 5 - All reports, motions and resolutions submitted for the consideration of the meeting which involve the expenditure of money shall be in writing. Any other report, motion or resolution shall be reduced to writing, if the moderator so directs.

Section 6 - Every person when about to speak shall rise, respectfully address the chair and wait until he is recognized, and in speaking he shall refrain from mentioning by name any other person present, and shall confine himself to the question under consideration.

Section 7 - No person while speaking, shall be interrupted by another, except to call to order, or to give notice of a motion to reconsider.

Section 8 - No person shall speak more than once on any question to the exclusion of any other person who may desire to speak.

Section 9 - Any person who is employed in behalf of a person having an interest in any matter under consideration at any town meeting shall, immediately upon being recognized by the moderator, state that he is so employed and shall also state the name and address of his or her employer.

Section 10 - All committees shall be appointed by the moderator, unless the meeting by vote otherwise directs, and shall report as directed by the meeting. If a committee does not report as directed, or at the succeeding annual town meeting, it shall be deemed discharged, unless the time during which it may report has been extended by vote of the meeting.

Section 11 - Whenever the report of a committee contains a recommendation for the appropriation of town funds, the committee making such recommendations shall submit a copy thereof to the Advisory Committee at least 14 days before the town meeting at which said report is to be considered by the town; and no such recommendation shall be acted upon until a report thereon has been made by the Advisory Committee.

Section 12 - Whenever a report of a committee is placed in the hands of the moderator, it shall be deemed to have been submitted to the meeting for its action thereon, except as is provided in Section 11.

Section 13 - No action taken at any town meeting or at any adjournment thereof shall be reconsidered except by a two-thirds vote.

Section 14 - No motions, the effect of which would be to dissolve the meeting shall be in order until every article in the warrant has been duly considered and acted upon.

Section 15 - The presence of seventy-five voters at a town meeting for the transaction of business shall constitute a quorum.

Section 16 - The procedure and conduct of town meetings not herein provided for, or otherwise regulated by general or special laws of the Commonwealth, shall be governed by "Roberts' Rules of Parliamentary Practice", so far as it is applicable.

ARTICLE III

Financial

Section 1 - At the end of each fiscal year all unexpired appropriations or unexpended balances of appropriations shall be transferred to the account of Excess and Deficiency.

Section 2 - On or before January 15 of each year every town officer or board shall furnish the Board of Selectmen with the names of all persons, firms or corporations indebted to the town, and the amounts owed by them, and the said Board of Selectmen shall cause such lists to be published in the annual town report. The Board of Selectmen may institute appropriate proceedings to collect the same.

ARTICLE IV

Selectmen

Section 1 - The Board of Selectmen shall have full authority as agents of the town to prosecute and defend all suits in which the town is a party. They may settle at their discretion any legal and valid claim or suit against the town which does not require the payment of more than three hundred dollars. Any settlement requiring a payment greater than three hundred dollars, except when authorized by law, shall be made only when authorized by vote of a town meeting.

Section 2 - The selectmen may appear either personally or by the town counsel before any committee of the Legislature, any state or county official, any board or commission, to protect the interests of the town, but are not authorized by this by-law to commit the town to any course of action.

Section 3 - All conveyances under seal which may hereafter be executed by the town, pursuant to a vote of the town or otherwise, shall be sealed with the town seal and subscribed by a majority of the Board of Selectmen for the time being, unless otherwise directed by the town or by statute.

Section 4 - The Board of Selectmen may annually, upon their organization, appoint an attorney at law as Town Counsel for the term of one year. He shall receive such compensation as the selectmen shall determine subject to the appropriation made therefor. They may, in any case, employ additional or special counsel.

Section 5 - Such town counsel shall act as the legal adviser of the town. It shall be his duty to examine or cause to be examined all titles to property in which the town may acquire an interest, to draft all deeds, obligations, contracts, bonds, leases, conveyances, agreements and other legal instruments of whatever nature, which may be required by any by-law, vote or action of the town, or any board of officers, to which the town or its agents may be a party, and which by law, usage or agreement the town is to be at the expense of drawing.

Section 6 - All articles in warrants for town meeting which contemplate the appropriation of money or the negotiation of town bonds or notes shall be submitted to the town counsel for his examination and approval.

Section 7 - No town officer, board or committee shall request an opinion of the town counsel, except in cases not admitting of delay, without first obtaining the consent of the Board of Selectmen; nor shall any such officer, board or commission employ any other counsel without like consent.

Section 8 - The selectmen shall, in their annual report, unless such information is contained in other reports to be published in the annual town report, state in detail what action they have taken during the preceding year on all matters within their jurisdiction. They shall cause annual reports of the town to be printed, and shall cause a copy to be delivered to every occupied dwelling in the town not later than the Saturday preceding the Town Meeting.

Section 9 - No member of the Board of Selectmen shall enter into any contract or agreement from which he will derive any direct or indirect benefit, with any department of the town without the unanimous approval of the Advisory Committee. Said approval shall be recorded by the secretary of Advisory Committee, and a copy thereof duly attested by said secretary shall be attached to such contract or agreement.

ARTICLE V

Town Clerk

Section 1 - The Town Clerk shall cause all deeds or other instruments conveying land or any interest in land to the town to be immediately recorded in the Registry of Deeds, and he shall have custody of all recorded instruments after the same have been returned by said Registry.

Section 2 - The Town Clerk shall, as soon as may be, after every election, give written notice to every person elected to a town office or board of his election; he shall also notify all appointive officers and members of committees of their appointment by the selectmen or the moderator as the case may be. In giving notice to members of committees, he shall furnish each member thereof with a copy of the vote prescribing the duties to be performed. He shall furnish all officers and boards, with copies of all votes of town meetings affecting them or their duties.

Section 3 - Whenever any report of any officer, board or committee is made to the town meeting, and the recommendations therein are adopted, the Town Clerk shall enter in the record of the town meeting only such portions of the report as may be necessary for a full understanding of the action taken by the town thereon, and he shall make a marginal or other reference of the number of such report as herein provided. He shall cause such report to be entered in full in a book provided for that purpose which shall be known as the "Book of Reports", but, if the report is printed, it need not be entered in the "Book of Reports", and it shall be filed in his office. The "Book of Reports" and all printed reports shall be duly indexed by the Town Clerk, and such reports shall be numbered for each municipal year in the order in which they are presented, and there shall be noted on such reports, or in the "Book of Reports", the date of the meeting at which they were submitted.

Section 4 - The Town Clerk shall keep in his office permanently bound one or more files of the town reports.

Section 5 - He shall not allow original papers or documents to be taken from his office, except as they remain in his custody or by authority of law.

Section 6 - Eliminated

Section 7 - The Town Clerk shall annually furnish the Board of Selectmen with a true copy of the record of the proceedings of the town meetings held during the preceding year so that such record may be published in the annual town report.

Section 8 - Beginning with the year, 1936, the Town Clerk shall make a complete index of all votes and resolutions adopted by the town. The said index may be made on cards or otherwise as the selectmen direct, and it shall be arranged by topics, with references to the book and page in which such votes or resolutions are recorded.

ARTICLE VI

Assessors

Section 1 - The Board of Assessors shall in the year 1936 and every third year thereafter prepare, publish and cause to be printed an official list of the real and personal estates in the town liable to taxation. Said list shall contain the names of the owners, arranged alphabetically, the location and brief description of the property and its value as determined by the assessors, and the total tax assessed in the year in which said list is published. The Town Clerk shall distribute printed copies of said list to those who request the same.

ARTICLE VII

Town Accountant

Section 1 - The selectmen shall appoint a competent accountant who shall perform all the duties and possess all the powers prescribed by General Laws (Ter.Ed.) chapter 41, §§ 55 to 61, inclusive.

Section 2 - The Town Accountant shall, immediately after the first day of each month, make to the selectmen a detailed report of the amounts of the several appropriations, and all drafts made on account of each such appropriation, and of all receipts during the preceding month; and a summarized report of the same since the beginning of the fiscal year, and of the unexpended balances of the several appropriations. He shall file a summarized statement of the fiscal affairs of the town for the preceding fiscal year with the secretary of the Advisory Committee not later than February first in each year. He shall also prepare such other financial statements as may from time to time be required by the selectmen.

Section 3 - The annual report of the accountant shall include:

- 1 - A list of all notes issued during the year and the purposes for which the money was borrowed, giving the dates, term, amount, rate of interest, time of maturity, the premium, if any, received thereon, and the names of the parties of whom the funds were borrowed.
- 2 - A list of all notes paid during the year, and a list of all outstanding notes, with the dates on which they will mature.
- 3 - A statement of the amount of money received by the town from other sources than taxation during the preceding year.
- 4 - A list of all insurance policies held by the town, which list shall include a statement of the property covered, the names of the companies, and the amount of each policy.

ARTICLE VIII

Advisory Committee

Section 1 - The selectmen shall annually upon their organization appoint for the term of one year beginning with the second Monday of March an Advisory Committee to consist of six voters of the town, other than town officers or employees. Any member of said Committee who shall be elected to any other town office, or who shall be absent from the town for four consecutive months, or who shall remove from the town, shall upon his qualifying for the office to which he was elected, or absence or removal, cease to be a member of said Committee. Said Committee shall choose from its membership a Chairman and a Secretary.

Section 2 - It shall be the duty of the Committee to consider all matters involving expenditures of money, creation of debt or disposition of town property included within the articles of any warrant for a town meeting hereafter issued, and the Committee shall, after due consideration of the subject matter in said articles, report thereon, in print or otherwise, such information and recommendations as it shall deem best. All recommendations of the Committee made to the town shall be recommendations of a majority of the entire Committee, but this shall not be construed to prevent recommendations by a minority.

The Advisory Committee shall have authority at any time to investigate the books, accounts, and management of any department of the town, and the books and accounts of all departments and officers of the town shall be open to inspection of the Committee and of any person employed by it. It may appoint from its own membership sub-committees and delegate to them such of its powers as it deems expedient.

Section 3 - The various Town Officers, boards and committees charged with the expenditure of the Town's money shall annually prepare in triplicate, upon forms furnished by the Advisory Committee, detailed accounts of the expenses of the preceding year and on the same form, detailed estimates of the amounts necessary to carry on the town's business entrusted to them for the ensuing year, with explanatory statements as to any changes from the amount appropriated for the same purpose in the preceding year. They shall also prepare estimates of any income which may be received by the town during the ensuing year in connection with the town's business or property in their care. The selectmen shall include in their estimates the salaries of all elected town officers, and all other items not otherwise provided for, and the salaries of all other persons shall be included in the estimates of the officers, boards or committees appointing them. The Treasurer shall include in his estimates the amounts required for the payment of interest on the obligations of the town, and the amount of maturing indebtedness during the succeeding year. Said estimates and explanations shall be filed with the Secretary of the Advisory Committee on or before the first day of February, and the said Secretary shall forthwith compile the said estimates in tabulated form and add thereto two columns, one giving the amounts appropriated and the other the amounts expended in the preceding year, and shall furnish a copy to each member of the Advisory Committee. Said Committee in considering the estimates, shall have authority to call before it, town officers, boards or committees, as it may deem necessary. To the said compilation it shall add another column showing the amounts which, in its opinion, should be appropriated for the ensuing year and may add thereto such explanations, suggestions and recommendations, in relation to the proposed appropriations as it may deem expedient, and report the same to the Selectmen. Said compilation shall be printed and distributed with the town report prior to the annual town meeting.

Section 4 - Any board, standing committee, or officer of the town, when about to request an appropriation in addition to that made at the annual town meeting, shall file a written notice with the Board of Selectmen of such intention, at least fourteen (14) days before such town meeting, at which such request is to be acted upon, and he or they shall state the object for which said appropriation is required and the amount to be required. The selectmen shall thereupon record such notice and inform the Advisory Committee thereof. The Advisory Committee shall thereupon examine into the subject matter of such request, and be prepared to furnish the meeting with all necessary information thereon; provided, however, that an appropriation may be requested, without such notice, but in the absence of such previous notice, no action shall be taken upon it, except at an adjournment of said meeting to a day not less than one (1) week after the date for which the town meeting was called; and during the interim the Advisory Committee shall consider said proposed appropriation, and make recommendations in relation thereto at such adjourned meeting.

ARTICLE IX

Streets and Highways

Section 1 - The streets and highways of the town shall be under the direct supervision of a Superintendent of Streets to be appointed annually by the selectmen.

Section 2 - The Superintendent of Streets shall keep an accurate account of all money expended and all work done upon the public ways of the town, and a daily record of the number of men and teams employed, together with the time on such work.

Section 3 - The Superintendent of Streets shall under the direction of the selectmen cooperate with the State Department of Public Works, and the County Commissioners, and shall keep a true and accurate account of all work done under the authority of Chapters 81 and 90 as they apply to the town, and report his doings to the selectmen whenever he may be required to do so; and he shall also furnish an annual report to the selectmen of his doings together with recommendations for the ensuing year.

Section 4 - No person shall break or dig up any public sidewalk, street, or highway, or place thereon any staging or other temporary structure, without first having obtained a written permit from the Board of Selectmen, or other board having charge of the streets so to do. Any person having such a permit shall, before the expiration of the same, restore such sidewalk, street or highway to its original condition or to a condition satisfactory to such Board. Any permit issued under the provisions of this section shall be in force for such time as the Board may specify, and shall always be subject to the condition that during the whole of every night from sunset to sunrise, lighted lanterns and proper barriers shall be so placed as to secure travelers from danger. No person having obtained such a permit shall fail to comply with the conditions thereof. The Board granting such a permit shall have the right to revoke the same at any time, and may require a bond, either before or after the commencement of work or during its progress, to secure its proper performance, and to save the town harmless from all claims for damages which may result therefrom.

ARTICLE X

Police Regulations

Section 1 - No person shall conduct himself in an indecent and disorderly manner, nor use profane, indecent, obscene or insulting language in any public way or

place, or near any dwelling house; nor commit any wanton or wilful act on or about the premises of any person, with intent to annoy or disturb any inhabitant.

Section 2 - No owner or person having charge of any horse, cow, swine, sheep, goat, or other grazing animal, shall permit the same to pasture in any street or way within the town.

Section 3 - No person shall coast on or across any public sidewalk or street of the town, except at such times and in such places as may from time to time be designated by the Board of Selectmen.

Section 4 - No person shall throw or place or cause to be thrown or placed upon any public street or highway of the town, any nails, spikes, screws, glass, tin cans or refuse of any kind.

Section 5 - No person shall loiter or continue to stand on any sidewalk or public place in the town so as to obstruct the passage of or to impede or in any manner annoy other persons; nor shall any person in a street or way stand or loiter after being directed by a police officer to move on.

Section 6 - No person shall extinguish any street light, or extinguish or remove any light placed to warn the public against an obstruction or a defect in any street or way, unless such person is authorized by those having charge of such lights or of the street or way, so to do.

ARTICLE XI

Permits and Licenses

Section 1 - The Board of Selectmen is hereby authorized to license the collection of junk, and may impose a reasonable license fee.

Section 2 - No person shall form or conduct any parade in any public street, public sidewalk or public way within the town, or form or conduct for the purpose of display or demonstration, any procession except a military or funeral parade or procession, within such public street, sidewalk or way, without first obtaining a written permit from the Selectmen.

ARTICLE XII

General Provisions Governing all Departments

Section 1 - All officers, boards and committees shall notify the town clerk of their organization, of their office hours, and of the time and place of meetings.

Section 2 - No contract, involving an obligation of the town, exceeding the sum of three hundred dollars shall be binding upon the town unless it is in writing and is signed by at least a majority of the board or committee duly authorized or having control of the appropriation against which such obligation is incurred; and such board or committee shall make a record of every such contract in a book which shall be the property of the town.

Section 3 - No board or officer shall make any contract in behalf of the town, the execution of which shall necessarily extend beyond one year from the date thereof, unless specific authority so to do has been given by vote of the town.

Section 4 - Every officer, board or committee of the town charged with the expenditure of money shall furnish the town accountant with a copy of all orders for the purchase of equipment, supplies, or materials and all requisitions for personal services, except services, payment for which is to be made on the regular payroll of the department, board or committee contracting for the same, at the time such purchases or requisitions are made. Every officer, board or committee making or entering into any written contract shall file such contract with the town accountant before any payment is made thereon. Every board or committee shall at once furnish the town accountant with a copy of any vote adopted by it which involves the expenditure of money.

Section 5 - Every officer or board of the town, at the time of rendering or transmitting any bill or demand for any money due or payable to the town, shall, at the same time file a statement thereof with the town accountant; provided, however, that the provision of this section shall not apply to bills or demands for taxes or other municipal assessments.

Section 6 - Any officer or board in charge of a department, may, with the approval of the selectmen, sell any personal property or material lawfully in custody of and belonging to such department, and no longer needed and which does not exceed five hundred dollars in value. No property of the town of value in excess of two hundred dollars shall be sold except at public auction, after not less than seven days' notice in one or more newspapers published in the counties of Worcester and Middlesex.

Section 7 - Every officer in charge of a department shall annually, on or before the fifteenth day of January, transmit to the selectmen, in writing, a report containing a statement of the acts and doings of his department for the past financial year, to be printed in the annual report as the selectmen may deem expedient.

Section 8 - No town officer, department, or committee member shall receive any compensation or commission for work done by him in his official capacity for the town, except his official salary and fees allowed by law, or enter into any contract with any department of the town without the permission of the selectmen expressed by a vote which shall appear on their records together with the reason therefor.

ARTICLE XIII

Penalty

Section 1 - Whoever violates any of the provisions of these By-Laws, unless otherwise herein specifically provided, shall be punished with a fine of not more than twenty dollars.

ARTICLE XIV

Repeal

Section 1 - These By-Laws and the repeal of all By-Laws heretofore in force shall not affect any act done, any right accrued, any penalty or liability incurred, or any suit, prosecution, or proceeding pending at the time they take effect.

Section 2 - All By-Laws heretofore in force except the By-Laws adopted on March 12, 1934, and relating to the Planning Board are hereby repealed, and these By-Laws shall become effective when approved and published as required by law.